

**FOR IMMEDIATE RELEASE**  
**Wednesday, January 10, 2007**

**R-2613**  
**202/273-1991**  
**www.nlr.gov**

**NLRB TO HOLD ORAL ARGUMENT ON  
EMPLOYEE USE OF EMPLOYER'S E-MAIL SYSTEM**

The National Labor Relations Board will hear oral argument on Tuesday, March 27, 2007, in *The Guard Publishing Company, d/b/a The Register-Guard*, Cases 36-CA-8743-1, et al. The issues presented in the case include whether employees have the right to use their employer's e-mail system (or other computer-based communication systems) to communicate with other employees about union or other concerted, protected matters.

The Company publishes a daily newspaper with circulation in the Eugene, Oregon, area. The unfair labor practice charges were filed by the Eugene Newspaper Guild, CWA Local 37194, which represents about 150 of the Company's employees, including reporters, photographers, copy editors, secretaries, clerks, advertising department employees, and district managers in the circulation department. The Company maintains a policy prohibiting the use of its e-mail system "to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations."

Today, the Board issued the formal notice of oral argument and invited the parties and interested amici to file briefs on the issues raised in the case. The full text of the Board's notice is attached. Briefs must be filed with the Board's Executive Secretary by close of business in Washington, D.C. on or before February 9, 2007. No extensions will be granted. Briefs are limited to 50 pages. Amici briefs should include a request to participate at oral argument, if desired. Parties only may file responsive briefs, limited to 10 pages, which will be due on or before February 23, 2007.

Argument will be heard by Chairman Robert J. Battista and Members Wilma B. Liebman, Peter C. Schaumber, Peter N. Kirsanow, and Dennis P. Walsh. The hearing will begin at 9:30 a.m. at the Board's Headquarters, Margaret A. Browning Hearing Room (Room 11000), 1099 14<sup>th</sup> Street, N.W., Washington, D.C.

[Briefs and other documents related to this case can be found at  
<http://www.nlr.gov/nlr/about/foia/FrequentlyRequestedDocuments.html>]

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

THE GUARD PUBLISHING COMPANY,  
d/b/a THE REGISTER-GUARD

and

EUGENE NEWSPAPER GUILD,  
CWA LOCAL 37194

Cases 36-CA-8743-1  
36-CA-8849-1  
36-CA-8789-1  
36-CA-8842-1

**NOTICE OF ORAL ARGUMENT AND INVITATION TO FILE BRIEFS**

**PLEASE TAKE NOTICE** that, pursuant to the authority vested in the National Labor Relations Board under the National Labor Relations Act, as amended, oral argument will be held before the National Labor Relations Board at 9:30 a.m. on Tuesday, March 27, 2007, at the Board's Headquarters, Margaret A. Browning Hearing Room (Rm. 11000), 1099 14th Street, N.W., Washington, D.C. 20570.

The Board is especially interested in answers to the questions set forth below. The parties and interested amici are invited to file pre-argument briefs addressing them and/or other relevant matters.

1. Do employees have a right to use their employer's e-mail system (or other computer-based communication systems) to communicate with other employees about union or other concerted, protected matters? If so, what restrictions, if any, may an employer place on those communications? If not, does an employer nevertheless violate the Act if it permits non-job-related e-mails but not those related to union or other concerted, protected matters?
2. Should the Board apply traditional rules regarding solicitation and/or distribution to employees' use of their employer's e-mail system? If so, how should those rules be applied? If not, what standard should be applied?
3. If employees have a right to use their employer's e-mail system, may an employer nevertheless prohibit e-mail access to its employees by non-employees? If employees have a right to use their employer's e-mail system, to what extent may an employer monitor that use to prevent unauthorized use?
4. In answering the foregoing questions, of what relevance is the location of the employee's workplace? For example, should the Board take account of whether the employee works at home or at some location other than a facility maintained by the employer?

5. Is employees' use of their employer's e-mail system a mandatory subject of bargaining? Assuming that employees have a Section 7 right to use their employer's e-mail system, to what extent is that right waivable by their bargaining representative?

6. How common are employer policies regulating the use of employer e-mail systems? What are the most common provisions of such policies? Have any such policies been agreed to in collective bargaining? If so, what are their most significant provisions and what, if any, problems have arisen under them?

7. Are there any technological issues concerning e-mail or other computer-based communication systems that the Board should consider in answering the foregoing questions?

Briefs must be filed with the Board's Executive Secretary by close of business in Washington, D.C. on or before February 9, 2007. No extensions will be granted. Briefs are limited to 50 pages and must include a certificate of service showing service on the parties, whose names and addresses are attached.<sup>1</sup> Briefs of amici should include a request to participate at oral argument, if desired, on a separate page preceding the certificate of service. Parties only may file responsive briefs, limited to 10 pages, which will be due on or before February 23, 2007. No extensions will be granted. All briefs will be posted on the Board's website, [www.nlrb.gov](http://www.nlrb.gov), as they are received.

Time limitations may preclude granting all requests by amici to participate at oral argument. Prior to argument, the Board will notify all parties and amici of its decisions regarding their participation and the time allotted to each.

By direction of the Board:

Dated at Washington, D.C., January 10, 2007.

Lester A. Heltzer  
Executive Secretary

Attachment

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<sup>1</sup> Briefs may be filed electronically through the Board's website, [www.nlrb.gov](http://www.nlrb.gov), in person, or by mail or commercial courier. If the brief is not electronically filed, a CD-ROM, preferably in PDF format, containing the brief must be submitted with it. The CD-ROM must be labeled with the case name, lead docket number, and the name of the organization or individual on whose behalf the brief is submitted. Instructions and requirements for electronic filing are set forth on the Board's website.

## **ATTACHMENT**

### **Counsel for Register Guard**

**The Zinser Law Firm PC  
L. Michael Zinser, Esq.  
150 Second Avenue North  
Suite 410  
Nashville, TN 37201  
(615) 244-9700  
(615) 244-9734 – Fax**

### **Counsel for Eugene Newspaper Guild CWA Local 37194**

**Barr & Camens  
Barbara Camens, Esq.  
1025 Connecticut Avenue NW  
Suite 712  
Washington, DC 20036  
(202) 293-9222  
(202) 293-6893 – Fax**

**James B. Coppess, Esq.  
c/o AFL-CIO  
815 16TH Street NW  
6th Floor  
Washington, DC 20006  
(202) 637-5337  
(202) 637-5323 - Fax**

### **General Counsel**

**Seema Nanda  
Counsel for the General Counsel  
National Labor Relations Board  
Division of Advice – Room 10412  
1099 14<sup>th</sup> Street NW,  
Washington, D.C.  
(202) 273-7957  
(202) 273-4275 – Fax**

**Ronald Meisburg, General Counsel  
National Labor Relations Board  
1099 14<sup>th</sup> Street NW, Suite 10100  
Washington, DC 20570  
(202) 273-3700  
(202) 273-4483 – Fax**